

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Raheme Byrd,	Plaintiff(s)	)	INMATE
		)	CIVIL RIGHTS
		)	COMPLAINT PURSUANT
vs.		)	PURSUANT TO
<u>R. Lamb</u> , Corr. Officer		)	42 U.S.C. § 1983
<u>S. Warner</u> , same.		)	
	Defendant(s)	)	Case No. 9: <u>CV</u>

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Raheme Byrd  
Address: Elmira Corr. Facility  
PO Box 500,  
Elmira, New York 14902-0500.

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: C.O LAMB  
Official Position: Corr. Officer  
Address: Great Meadow Corr. Facility  
Box 51, Comstock, NY 12821-0051

b. Defendant: C.O. Warner  
Official Position: Corr. Officer  
Address: Great Meadow Corr. Facility,  
Box, 51, Comstock, NY 12821-0051

c. Defendant:   
Official Position:   
Address:

Additional Defendants may be added on a separate sheet of paper.

#### 4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

☒ Yes ☐ No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

☐ Yes ☐ No

If your answer to 4b is YES,

(i) What steps did you take? I invoked GM #55469-13,  
compliant at Great Meadow C.F. which was  
filed 5/08/13

(ii) What was the final result of your grievance? Fuctions 4/02/14  
CORC accepted in part.

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to 4c is YES,

- (i) What steps did you take? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

- (ii) What was the final result regarding your complaint? \_\_\_\_\_

\_\_\_\_\_

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? \_\_\_\_\_

\_\_\_\_\_

## 5. PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

☒ Yes \_\_\_\_\_ No

- b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

- i. Parties to previous lawsuit:

Plaintiff(s): Raheme Byrd

Defendant(s): State of New York

Claim #no.123243

ii. Court (if federal court, name District; if state court, name County):

Albany County

iii. Docket number: 123243

iv. Name of Judge to whom case was assigned: Richard E. Sise

v. Disposition (dismissed? on appeal? currently pending?): Pending

vi. Approximate date of filing prior lawsuit: \_\_\_\_\_

vii. Approximate date of disposition: \_\_\_\_\_

6.

### FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).**

Taking action. Herein the issue arises of assault, which  
accrued at the clime and place of Great Meadow Corr.

Facility. On May 01, 2013 Subject had a clash with another  
inmate,, in which Housing Officers " Used Excessive  
Force ! " While the inmates were fighting, Officers gave

a direct order to break up the fight. Subject compl  
ied. He was then ordered to put his hands on the wall.

Subject likewise complied. He was then ordered to get the  
floor, Subject then again complied. Then the officers  
giving these orders "R. Lamb", sat on the middle of his  
buttocks and lower back area and engaged in the follow  
ing unethical behavior. "R. Lamb" engaged in putting his

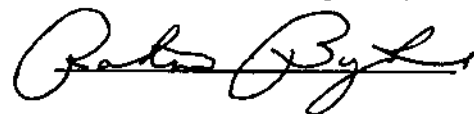
hands around Subjects neck deprivingly in an illegal hold known as "The Camel Clutch", Choking Subject pulling his head back. At least 30 officers did stand present and witnessed the misconduct of this officer, but he continued to intentionally choke Subject. In about 15 seconds in this colorful hold in which he could breath, Subject started slapping his right hand several times on the floor in a cursing and swearing manner, stating he could not breath. "Lamb" then engaged in pulling his head up further, continuing the Subject assault. Subject then again slapped his right hand several times on the floor but it was of no avail.

In addition, not being able to see behind him an unknown Officer engaged in stepping on and off Subjects right ankle. Each step, he screamed in agony. "Lamb" then let go of Subjects neck and engaged in yelling at him; "Get up, and step to the wall. Subject complied. He then placed him in handcuffs. "Lamb" then engaged in forcing up and down and twisting his left hand while already in constraints. "Lamb" then punched Subject from behind his right eye and head twice, then leaned towards Subjects right ear stating: "thats what you get for assaulting an Officer!" Then punched him on the left side of his head once. "Waner" then began hitting Subject with his night stick. "Lamb" then grabbed him up in his hooded sweater to engage in choking him. "Lamb" then leaned towards Subjects right ear, before being escorted to medical care saying: "now you know that you just got fucked up by a bunch of rookies!" Nurse noted injuries, bru

(5)

ised scarred left wrist, right eye, and left shoulder. This Departmental Behaviorial misconduct has left pemenant scar ing on left wrist, and now Subject has impaired right eye vis ion i.e "floaters" and his seeing eye lens cracked. As a re sult he now has blurry vision, and cant pick up moving objects well, objects seem to move faster than normal. As a result of these officers conduct deviance, claimant now suffers Physical and mental pain and anguish at which he is liably injured and impacted for life.

Virtual Respect,

A handwritten signature in cursive script, appearing to read "Robert Byler", written over a horizontal line.

7.

## CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

### FIRST CAUSE OF ACTION

CONSTITUTIONAL VIOLATION 8TH AMENDMENT

RIGHT TO BE FREE FROM " USE OF EXCESSIVE FORCE ".

### SECOND CAUSE OF ACTION

### THIRD CAUSE OF ACTION

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

\$75,000 Punitive Damages,

\$75,000 Compensatory Damages,

Injunctive Relief, and Medical Outside Care to Repair

Recognized Altered Vision " Floaters "!

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 3-22-16

X *Rahm Beyk*

Signature of Plaintiff(s)  
(all Plaintiffs must sign)

02/2010

Sworn To Before Me

This 22 Day of

MARCH 2016

*[Signature]*

NOTARY  
STEVEN D. LEE

NOTARY PUBLIC, STATE OF NEW YORK  
CHEMUNG COUNTY, LIC. # 01LE6231045  
COMMISSION EXPIRES NOV. 15, 20 17



UNITED STATES DISTRICT COURT

District of

NORTHERN

NEW YORK

Raheme Byrd,

V.

SUMMONS IN A CIVIL ACTION

R.LAMB, Corr. Officer,

CASE NUMBER:

S.WARNER, Corr. Officer

Individual And Official Capacities

TO: (Name and address of Defendant)

R.LAMB : Corr. Officer

Great Meadow Corr. Facility,

Comstock, Box 51, 12821-0051.

YOU ARE HEREBY SUMMONED and required to serve on Pro se ~~Plaintiff's Attorney~~ (name and address)

Raheme Byrd,  
Elmira Corr. Facility,  
P.O. Box 500,  
Elmira, New York 14902-0051.

an answer to the complaint which is served on you with this summons, within 60 days days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Clerk of Court

Date

Deputy Clerk

UNITED STATES DISTRICT COURT

District of

NORTHERN

NEW YORK

Raheme Byrd,

SUMMONS IN A CIVIL ACTION

V.

S. WARNER, Corr. Officer  
R. LAMB, Corr. Officer,

CASE NUMBER:

Individual And Official Capacities

TO: (Name and address of Defendant)

S. WARNER: Corr. Officer  
Great Meadow Corr. Facility,  
Box 51, Ny 12821-0051.

YOU ARE HEREBY SUMMONED and required to serve on ~~PLEASE ATTORNEY~~ (name and address)

Raheme Byrd,  
Elmira Corr. Facility,  
P.O. Box 500,  
Elmira, New York 14902-0500

an answer to the complaint which is served on you with this summons, within 60 days days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Clerk of Court

Date

Deputy Clerk

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of informing the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Raheme Byrd, pro-se

(b) County of Residence of First Listed Plaintiff Chemung  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorney's (Firm Name, Address, and Telephone Number) pro-seDEFENDANTS R. LAMB, Corr. OfficerS. WARNER, Corr. OfficerCounty of Residence of First Listed Defendant Alden/Erie  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 4     | <input type="checkbox"/> 4     |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	PROPERTY/REALTY	BANKRUPTCY	OTHER MATTERS
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Assault	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reorganization
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 433 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Bank and Banking	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 Liquor Laws	<input type="checkbox"/> 460 Consumer Credit	<input type="checkbox"/> 470 Bankruptcy
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.P. & Truck	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 470 Bankruptcy
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 490 Cable/Sat. TV	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage - Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 500 Securities/Commodities/Exchange	<input type="checkbox"/> 490 Cable/Sat. TV
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 510 Securities/Commodities/Exchange	<input type="checkbox"/> 500 Securities/Commodities/Exchange
<input type="checkbox"/> 154 Stockholders' Suits		<input type="checkbox"/> 530 General	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 520 Copyrights	<input type="checkbox"/> 510 Securities/Commodities/Exchange
<input type="checkbox"/> 155 Contract Product Liability		<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 530 Patent	<input type="checkbox"/> 520 Copyrights
<input type="checkbox"/> 156 Franchise		<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 540 Trademark	<input type="checkbox"/> 530 Patent
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 550 Trademark	<input type="checkbox"/> 540 Trademark
		<input type="checkbox"/> 555 Prison Conditions	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 560 Trademark	<input type="checkbox"/> 540 Trademark
			<input type="checkbox"/> 791 Emp. Ret. Inc. Security Act	<input type="checkbox"/> 570 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 580 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 590 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 600 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 610 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 620 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 630 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 640 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 650 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 660 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 670 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 680 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 690 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 700 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 710 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 720 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 730 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 740 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 750 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 760 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 770 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 780 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 790 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 800 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 810 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 820 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 830 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 850 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 860 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 870 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 880 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 890 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 900 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 910 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 920 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 930 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 940 Trademark	<input type="checkbox"/> 540 Trademark
				<input type="checkbox"/> 950 Trademark	<input type="checkbox"/> 540 Trademark

## V. ORIGIN

- (Place an "X" in One Box Only)
- ☐ 1 Original Proceedings ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (Specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity.)  
CRUEL/UNUSUAL PUNISHMENT/42 U.S.C. Section 1983

Brief description of cause:

Assault/Excessive Force By Officers

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$175,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions.)

JUDGE

Richard E. SiseDOCKET NUMBER 123243

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING OFF

JUDGE

MAG. JUDGE